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WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF LOUISIANA

LAKE CHARLES DIVISION

UNITED STATES OF AMERICA : DOCKET NO. 98-20058-1  
VS. : JUDGE TRIMBLE  
COREY LYNDELL BLOUNT : MAGISTRATE JUDGE WILSON

**ORDER**

Before the Court are the following requests/motions: (1) "Motion for Loan of Tape Record of Trial and Pretrial Proceedings" (doc. #814), (2) "Request for Withheld Discovery in Petitioner's Case" (doc. #817), (3) "Motion for Clarification and Objection to Letter Being Construed to Motion" (doc. #822), and (4) "Motion for a Determination of Status" (doc. #824). Petitioner is requesting that the Clerk of Court provide him with copies of the entire docket in Case No. 96-CR-20058 as well as copies of documents filed in the record of that same case.

The items requested by the defendant are public record and the Petitioner does have a common law right of access to judicial proceedings.<sup>1</sup> The district court has discretion to control these documents.<sup>2</sup> Petitioner has no pending post conviction motion before the Court. The Fifth Circuit has held that a defendant is not entitled to copies of court records without cost under 28 U.S.C. § 2250.<sup>3</sup> Even a defendant who is considered indigent does not have a federally protected

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<sup>1</sup> *Nixon v. Warner Communications, Inc.*, 98 S.Ct. 1306 (1978).

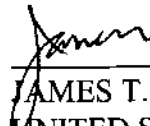
<sup>2</sup> *United States v. Gomez*, 323 F.3d 1305, 1307 (11<sup>th</sup> Cir. 2003).

<sup>3</sup> *Walker v. United States*, 424 F.2d 278, 279 (5th Cir. 1970).

right to free copies of court records to search for possible errors in order to file a post-conviction motion.<sup>4</sup> Accordingly, it is

**ORDERED** that Petitioner's request for copies is hereby **DENIED** at this time. However, Petitioner can contact the Clerk of Court and request copies of the aforementioned docket and motions at a cost of 50 cents per page – the amount charged for copies on the Clerk of Court's Schedule of Fees. Petitioner's request for copies must be accompanied with the appropriate fee.

THUS DONE AND SIGNED in Chambers at Lake Charles, Louisiana, this 18<sup>th</sup> day of October, 2006.

  
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JAMES T. TRIMBLE, JR.  
UNITED STATES DISTRICT JUDGE

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<sup>4</sup> *United States v. Herrera*, 474 F.2d 1049 (5th Cir. 1973); *Cowan v. United States*, 445 F.2d 855 (5th Cir. 1971); *Colbert v. Beto*, 439 F.2d 1130, 1131 (5th Cir. 1971); *Harless v. United States*, 329 F.2d 397, 398-399 (5th Cir. 1964); *Douglas v. Green*, 327 F.2d 661, 662 (6th Cir. 1964).